IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 3982 of 1996

Between:

Smt. V.Subbalakshmi , W/o. Prasad, Hindu,
Rajahmundry.

..... PETITIONER

AND

1 S.K.V.T.English Medium High School, Rep.by its Executive Officer and Correspondent.
Danavaipeta, Rajahmundry-533 103
2 The District Educational Officer,
Kakinada. E.G.Dist,
3 The Director of School Educational,
ANDHRA PRADESH, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction particularly in the nature of a writ of Mandamus declaring the action of the respondents in not considering the appointment of the petitioner as a secondary grade Teacher (Unaided) post as an approved appointment as illegal, arbitrary, null and void and for consequential order directing the respondents to absorb the petitioner in the 1st respondent -School in the post of Secondary grade teacher(Aided) after approving the appointment of two petitioners to pass such other further order as are necessary in the circumstances of the case.

Counsel for the Petitioner:MR.M.V.SURESH

Counsel for the Respondent No.1: MR.C.S.K.V.RAMANAMURTHY

Counsel for the respondent Nos. 2 and 3: Government Pleader for School Education.

The Court made the following :

ORDER:

Heard both sides.

The petitioner herein who is working as Teacher with the first respondent herein filed this Writ Petition inter alia, seeking a Writ of Mandamus declaring the action of the respondents in not considering her case for appointment as a Secondary Grade Teacher (unaided) post as an approved appointment as illegal and void and also for further direction to absorb the petitioner with the first respondent in the said post.

The facts in brief are that the petitioner initially appointed after due counseling through the employment exchange on 27.4.1987, subsequent to the registration with them and she has been working as such, however, having regard to the fact that such an appointment was in un-aided post, her case is not being considered. In fact earlier, she filed a Writ Petition No. 17527 of 1995, and the same was disposed of on 7.8.1995, directing the respondents herein to dispose of the representation filed by her. Now in terms thereof, the impugned order is passed on 27.6.1987 rejecting the petitioner's case on the ground that her appointment is purely temporary and therefore, she cannot be considered as such.

After hearing the learned counsel on either side and also on perusal of the material, it is now represented that as on today, there are three vacancies existing, which fall within the sanctioned aided posts and therefore, there could not be any impediment in considering the case of the petitioner. It is to be seen that this Writ

Petition is filed as long back as in the year 1996, and in terms of the interim directions granted by this court, the petitioner is continuing in the post and the first respondent-Management is also unable to fill up the vacancies even in the regular posts in terms of the directions given in WPMP No. 4852 of 1996 dated 6.3.1996.

Taking into consideration of these facts and circumstances, it is not necessary to delve into the merits and it would suffice in the interests of justice, to direct the respondents to consider the case of the petitioner for regular appointment in the vacancies existing in the regular aided posts.

Accordingly, the Writ Petition is disposed of. No costs.

23.11.2004

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To

1 S.K.V.T.English Medium High School, Rep.by its Executive Officer and Correspondent.
Danavaipeta, Rajahmundry-533 103
2 The District Educational Officer,
Kakinada. E.G.Dist,
3 The Director of School Educational,
ANDHRA PRADESH, Hyderabad.

3. 2 CCs to G.P. for School Education, High Court Buildings, High Court of A.P., Hyderabad.

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